

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ROSS JACKSON and THE GARY A.
ZEBROWSKI LIVING TRUST by GARY A.
ZEBROWSKI, Trustee,

Docket No.: 1:17-cv-05276-
JFK

Plaintiffs,

-against-

HARVEST CAPITAL CREDIT CORPORATION
f/k/a HARVEST CAPITAL CREDIT, LLC, and
CHRISTALS ACQUISITION, LLC,

**PLAINTIFFS' MOTION
FOR DISMISSAL
WITHOUT PREJUDICE
OF CHRISTALS
ACQUISITION, LLC
PURSUANT TO F.R.C.P.
41(b)**

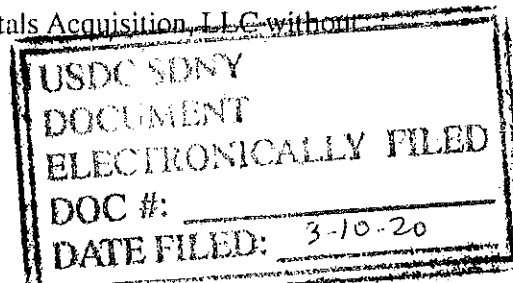
Defendants.
-----X

COMES NOW the Plaintiffs, Ross Jackson and the Gary A. Zebrowski Living Trust by Gary A. Zebrowski, Trustee, by and through their attorneys, Dill Dill Carr Stonbraker & Hutchings, P.C. and Strongin Rothman & Abrams, LLP, and pursuant to Federal Rule of Civil Procedure 41(b), hereby move that the First Claim for Relief for breach of contract against Defendant, Christals Acquisition, LLC be dismissed without prejudice, and as grounds therefor states as follows:

1. In the Opinion and Order of this Court of February 12, 2020, the Court directed the Clerk of the Court to stay further action in the above-captioned case until the bankruptcy proceedings against Defendant Christals Acquisition, LLC have been resolved. The Court further directed the Plaintiffs to inform the Court when those proceedings are complete, or whether they wish to withdraw their claims against Christals Acquisition, LLC and close this case.

2. The Plaintiffs have determined they wish to withdraw their claim against Christals Acquisition, LLC (First Claim for Relief).

3. Accordingly, the Plaintiffs request the Court dismiss without prejudice their First Claim for Relief contained in the Corrected Complaint against Christals Acquisition, LLC without



prejudice.

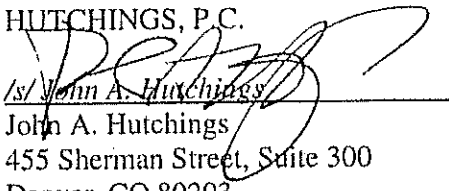
4. The undersigned has conferred with S. Wade Malone, who represents Harvest Capital Credit Corp. and has advised the undersigned that Harvest Capital Credit Corp. has no position on this Motion.

5. Pursuant to Paragraph 1(F)(1) of this Court's Individual Practices, a Proposed Order is attached.

Respectfully submitted this 28th day of February, 2020.

STRONGIN ROTHMAN & ABRAMS, LLP
Lena Graves
80 Pine Street, 10th Floor
New York, NY 10005
Phone: (212) 931-8300

DILL DILL CARR STONBRAKER &
HUTCHINGS, P.C.

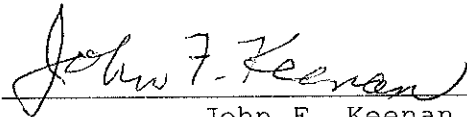

/s/ John A. Hutchings
John A. Hutchings
455 Sherman Street, Suite 300
Denver, CO 80203
Phone: (303) 777-3737
Attorneys for Plaintiffs

Plaintiffs' motion to dismiss without prejudice their one surviving claim against Defendant Christals Acquisition LLC is GRANTED.

Accordingly, the Clerk of Court is directed to enter judgment in favor of Defendant Harvest Capital Credit Corporation and close this case.

SO ORDERED.

Dated: New York, New York
March/5, 2020



John F. Keenan
United States District Judge